



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,941	12/01/2003	Karin Spalink	9314-50	3269
54414 7590 12/27/2007 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER VU, THANH T				
ART UNIT 2174		PAPER NUMBER		
MAIL DATE 12/27/2007		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/724,941

**Applicant(s)**

SPALINK ET AL.

**Examiner**

THANH T. VU

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-10, 16, 17, 19-25, 31, 32, 34-40 and 47-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 16, 17, 19-25, 31, 32, 34-40 and 47-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is responsive to Amendment, filed 10/11/2007.

Claims 1, 2, 4-10, 16, 17, 19-25, 31, 32, 34-40, and 47-49 are pending in this application. In the Amendment, claims 3, 11-15, 18, 26-30, 33, and 41-46 were cancelled, claims 47-49 were added, and claims 1, 8, 16, 31, 32, and 38 were amended. This action is made Final.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-10, 16-17, 21-25, 31-32, and 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968).

Per claim 1, Arcuri teaches a method of managing display of menu items on a display of an electronic device, the method comprising:

defining first and second menus comprising respective first and second groups of menu items (figs. 2A and 2B; *first menu 100, and second menu 110*), wherein the first group of menu items is a subset of the second group of menu items (see, figs. 2A and 2B; col. 8, lines 10-35; *the first group of menu items in menu 100 is a subset of the second group of menu items in menu 110*);

displaying the first menu as a first rectangular array (fig. 2A; menu 100; *fig. 3 shows a first rectangular array (i.e. menu 100)*) having plural of rows (fig. 24; menu 100; *each menu item (i.e. Print Layout, Web Layout...) occupies a row*) and plural of columns (fig. 2A; menu 100

*shows a column for icons and a column for text descriptions of menu items) and responsive to user activation of a menu expansion function ((figs. 2A and 2B; col. 8, lines 25-30 and col. 11, lines 38-42; user can expand the short menu 100 to long menu 110 manually), displaying the second menu as a second rectangular array having a greater number of rows and/or columns than the first rectangular array (fig. 2B shows the second menu as rectangular array 110 having a greater number of rows than the first rectangular array 100).*

Per claim 2, Arcuri teaches a method according to Claim 1: wherein the first menu comprises a menu expansion function menu item (fig. 2A; *expansion function menu item 119*); and wherein displaying the second menu as a second rectangular array having a greater number of rows and/or columns than the first rectangular array comprises transitioning from display of the first menu to display of the second menu responsive to user selection of the menu expansion function menu item (figs. 2A and 2B; col. 8, lines 25-30 and col. 11, lines 38-42; *user can expand the short menu 100 to long menu 110 by selecting element 119*).

Per claim 6, Arcuri teaches a method according to Claim 1, wherein defining first and second menus comprises assigning a menu item to the first menu or the second menu responsive to a user input (col. 7, lines 39-50; col. 12, lines 20-28; col. 14, lines 19-27; *short menu are personalized based on user usage behavior (i.e. a user input)*).

Per claim 7, Arcuri teaches a method according to Claim 6, wherein defining first and second menus comprises assigning a menu item to the first menu or the second menu responsive to frequency of usage of a function corresponding to the menu item (col. 7, lines 39-50; col. 12, lines 20-28; col. 14, lines 19-27; *short menu are personalized based on user usage patterns*).

Per claim 8, Arcuri teaches a method according to Claim 1, wherein the first group of menu items have the same arrangement with respect to one another in the first and second rectangular arrays (see figs. 2A and 2B; *menu items are in the same order with respect to one another in the short menu 100 and in the long menu 110*).

Per claim 9, Arcuri teaches a method according to Claim 1, wherein the menu items comprise at least one of graphic icons and text (see figs. 2A and 2B; *which shows menu items comprises at least one of graphic icons and text*).

Per claim 10, Arcuri teaches a method according to Claim 1, wherein the electronic device comprises a portable electronic device (col. 6, lines 1-3; *hand-held device*).

Claim 16 is rejected under the same rationale as claim 1. Arcuri further teaches an electronic device comprising a display (fig. 1; *display 47*); a user input device (fig. 1; *mouse 42 and keyboard 40*); and a processor (fig. 1; *processing unit 21*).

Claims 17, and 21-24 are rejected under the same rationale as claims 2, and 6-9 respectively.

Per claim 25, Arcuri teaches a device according to claim 16, wherein the user input device comprises at least one of a key, a trackpointer, touchpad, a joystick and a touchscreen (see fig. 1; a key: keyboard 40; a trackpointer: mouse 42).

Claims 31-32, and 36-40 are rejected under the same rationale as claims 1-2, and 6-10 respectively.

Claims 4-5, 19-20 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968) and Arcuri et al. ("Arcuri", U.S. Pat. No. 6,278,450).

Per claim 4, Arcuri '968 teaches a method according to Claim 1 having an expansion menu item 119 in order to show a long menu (see fig. 2A; col. 11, lines 38-42), but does not teach wherein the method further comprises transitioning from display of the second menu to display of the first menu responsive to user activation of a menu reduction function. However, Arcuri '450 teaches the method further comprises transitioning from display of the second menu to display of the first menu responsive to user activation of a menu reduction function (fig. 2b,; col. 4, lines 45-55; *show/Hide button 243 allows a user to show/ hide menu 240. This shows transitioning the display from menu 240 to menu 242*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an reduction option (i.e. hiding option) as taught by Arcuri '450 in the invention of Arcuri '968 in order to provide the user with a reduction option in menu 110 of fig. 2B, which allows the user to manually hide the display of the menu to prevent screen cluster.

Per claim 5, Arcuri teaches a method according to Claim 4, wherein the second menu comprises a menu reduction function menu item (figs. 2b; *show/hide button 243*), and wherein transitioning from display of the second menu to display of the first menu comprises transitioning from display of the second menu to display of the first menu responsive to user selection of the menu reduction function menu item (fig. 2b; col. 4, lines 45-55; *show/Hide button 243 allows a user to show/ hide menu 240. This shows transitioning the display from menu 240 to menu 242*).

Claims 19-20 are rejected under the same rationale as claims 4-5 respectively.

Claims 34-35 are rejected under the same rationale as claims 4-5 respectively.

Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968), Oran et al. (U.S. Pat. No. 5,757,371) and Arcuri et al. ("Arcuri", U.S. Pat. No. 6,278,450).

Per claim 47, Arcuri '968 teaches a method to claim comprises menu 110 of fig. 3 having "Toolbar" with an arrow indicator, but does not specifically teach the arrow indicate that "Toolbar" menu item have a sub-menu that are display when the mouse cursor is positioned at item. In addition, Arcuri '968 does not specifically teach responsive to user activation of a menu reduction function, transitioning from display of the third rectangular array to display of the first rectangular array. However, Oran teaches arrow is used for indicating that "Toolbar" menu item have a sub-menu that are display when the mouse cursor is positioned at item (fig. 16A-17; col. 10, lines 1-6). The sub-menu of "Toolbar" menu item displaying along the menu 110 of fig. 2B of Arcuri'968 are considered to be a third rectangular array having a greater number of columns than the second rectangular array 110. Arcuri '450 teaches the method further comprises transitioning from display of the third menu to display of the first menu responsive to user activation of a menu reduction function (fig. 2b,; col. 4, lines 45-55; *show/Hide button 243 allows a user to show/ hide menu 240. This shows transitioning the display from menu 240 to menu 242*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Oran, and an reduction option (i.e. hiding option) as taught by Arcuri '450 in the invention of Arcuri '968 in order to provide user with an additional

sub-menu and to provide the user with a reduction option in menu 110 of fig. 2B, which allows the user to manually hide the display of the menu to prevent screen cluster.

Claims 48 and 19 individually are rejected under the same rationale as claim 47.

### ***Response to Arguments***

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that the prior art of record does not teach "displaying the first menu as a first rectangular array; and responsive to user activation of a menu expansion function, displaying the second menu as a second rectangular array having a greater number of rows and/or columns than the first rectangular array. The examiner does not agree because Arcuri' 968 reads on the claim language of displaying the first menu as a first rectangular array (fig. 2A; menu 100; *fig. 3 shows a first rectangular array (i.e. menu 100)*) having plural of rows (fig. 24; menu 100; *each menu item (i.e. Print Layout, Web Layout...) occupies a row*) and plural of columns (fig. 2A; menu 100 *shows a column for icons and a column for text descriptions of menu items*) and responsive to user activation of a menu expansion function ((figs. 2A and 2B; col. 8, lines 25-30 and col. 11, lines 38-42; *user can expand the short menu 100 to long menu 110 manually*), displaying the second menu as a second rectangular array having a greater number of rows and/or columns than the first rectangular array (fig. 2B *shows the second menu as rectangular array 110 having a greater number of rows than the first rectangular array 100*).

### ***Conclusion***



Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. T. V./  
Examiner, Art Unit 2174

/David A Wiley/  
Supervisory Patent Examiner, Art Unit 2174